

Remarks

Claims 24 through 36 stand rejected under 35 USC 101 as being directed to two differing and distinct statutory classes of invention. In addressing this rejection, claims 24 through 36 have been cancelled.

Claims 24 through 26 and 40 through 49 stand rejected under 35 USC 112 second paragraph as being indefinite with regard to the recitation of cooperation between the side wall and the bottom. In addressing this rejection, claims 24 through 26 have been cancelled and independent claim 47 has been amended to clarify the objectionable language. Review and acceptance is requested.

Claims 47, 48, 43, 44 and 24 through 27 stand rejected under 35 USC 102(b) as being anticipated by Castner et. al. '857. Claims 47 and 48 are rejected under 35 USC 102(b) as being anticipated by Jarhoff. Claims 47, 48, 43 and 24 through 37 stand rejected under 35 USC 102(b) as being anticipated by Mochida. Claims 47, 48, 44, 45 and 24 through 37 are rejected under 35 USC 102(b) as being anticipated by Fisher. Claims 47, 48, 43 and 24 through 37 stand rejected under 35 USC 102(b) as being anticipated by Mochida. Claims 24 through 39 and 43 stand rejected under 35 USC 103(a) as being unpatentable over Mochida in view of Keenan. Claims 24 through 36, 47, 48 and 43 stand rejected under 35 USC 103(a) as being unpatentable over Mochida in view of Keenan. Claims 24 through 36, 40 through 42 as well as 44 through 48 stand rejected under 35 USC 103(a) as being unpatentable over Sjoboen (WO '995) in view of Keenan.

In addressing the above rejections, the Applicant has cancelled claims 24 through 36 and has amended independent claim 47 to incorporate the features of former claim 40, which has accordingly been cancelled. Claims 37 through 39 were cancelled in the previous amendment. Former claim 40 had been rejected under WO '995, which also discloses a slider 46. The Applicant respectfully disagrees with this rejection. In particular, the slider as claimed in former claim 40, whose features are now incorporated in independent claim 47, cooperates with the elongated receptacle to resiliently urge the capillaries in a direction towards a dispensing location. However, the slider 46 of the WO '995 reference is neither resilient nor does it cooperate with the elongated receptacle 26 of the '995 reference, rather with the bottom 22. Moreover, the '995 reference cannot provide motivation to one of average skill in the art for the recitations of amended claim 47. This is the case because the '995 reference uses a top loaded receptacle having gravity feed. The capillaries are initially moved towards a dispensing opening under the force of gravity and are then disposed transverse thereto using the slider to remove one capillary at a time. Because of the gravity feed, there is no necessity for the '995 reference to have a slider cooperating with the elongated receptacle to resiliently urge the capillaries in a direction towards the dispensing location, since the motion effected by such a slider is already carried out by the force of gravity.

For the reasons stated above, the Applicant now submits that claim 47 as amended is sufficiently distinguished from the prior art of record to satisfy the conditions for patenting in the United States. The dependent claims inherit the limitations of the base claim and are therefore similarly

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distinguished from the prior art of record for the reasons given. Moreover, the Applicant respectfully requests entry of amendment, since claim 40 has already been previously examined and the limitations of new claim 47 therefore do not require an additional search. Entry of amendment and passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

Respectfully submitted,

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